

In addition to the excellent, frontline efforts of the National Reye's Syndrome Foundation headquartered at Bryan, Ohio, a group waging a serious, dedicated battle to educate people on the threat of Reye's and the need for early diagnosis, and prompt treatment. Their annual meeting is June 21 at the National Press Club.

Still more needs to be done. I want to help by seeing additional funds assigned to the effort to encourage new, innovative levels of research. Make no mistake. This is not a battle among competitors for scientific research dollars. Rather, it must be a collaborative effort among all those sharing a common fear of this disease and a concern that we need to step up the fight, to focus more sharply, to work harder and to coordinate national efforts to more effectively diagnose and treat Reye's syndrome to prevent youngsters from dying when it afflicts them.

#### GENERAL ACCOUNTING OFFICE ACT OF 1979

Mr. ROBERT C. BYRD. Mr. President, this has been cleared with Mr. STEVENS. I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 612, S. 1878, for not to exceed 3 minutes and that no amendments be in order other than the technical amendments to be offered by Mr. GLENN.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will state the bill by title. The assistant legislative clerk read as follows:

A bill (S. 1878) to improve budget management and expenditure control by revising certain provisions relating to the Comptroller General and the Inspectors General of the Departments of Energy and Health, Education, and Welfare, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs with amendments as follows:

On page 3, line 14, strike "a duly established committee or subcommittee of the Congress" and insert "the Committee on Governmental Affairs of the Senate, the Committee on Government Operations of the House of Representatives, and to the Committees of the House and the Senate having legislative or appropriations oversight with respect to the expenditure in question";

On page 4, line 2, after "activities" insert a comma and "or sensitive law enforcement investigations if an audit proceeding pursuant to the provisions of paragraph (1) of this subsection would expose the identity of details of an active investigation or endanger the safety of investigative or domestic intelligence sources involved in such law enforcement investigations";

On page 4, beginning with line 18, insert the following:

"(4) Not later than sixty days after the beginning of each fiscal year starting on or after October 1, 1980, the Director of the Office of Management and Budget shall sub-

mit to the chairman of the Committees on the Budget and the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Operations of the House of Representatives, and to the Comptroller General, a report listing every account potentially subject to audit by the Comptroller General under paragraph (1)."

On page 5, beginning with line 3, strike through and including page 7, line 3, and insert in lieu thereof the following:

#### ENFORCEMENT OF ACCESS TO RECORDS

SEC. 102. Section 313 of the Budget and Accounting Act, 1921 (31 U.S.C. 54), is amended by designating the existing paragraph as subsection (a) and by adding at the end the following new subsections:

"(b) (1) When access to any books, documents, papers, or records of any department or establishment is not made available within a reasonable period of time, the Comptroller General in his discretion may make a written request to the head of the department or establishment concerned. Any such request shall set forth any authority in addition to subsection (a) for such access and the reasons such access is desired. The head of the department or establishment concerned shall have a period of twenty days from the date of receipt to respond to the written request of the Comptroller General. The response shall describe any books, documents, papers, or records withheld and the reasons therefor. If within such twenty-day period full access to such books, documents, papers, or records has not been afforded the Comptroller General or any of his designated assistants or employees, the Comptroller General may file a written report of the matter with the President of the United States, the Director of the Office of Management and Budget, the Attorney General, the head of the department or establishment concerned, and with the Speaker of the House of Representatives and the President of the Senate.

"(2) Subject to subsection (d) the Comptroller General, through any attorney designated by him in writing, may, after twenty calendar days after the filing of a written report under paragraph (1), apply to the United States District Court for the District of Columbia for any order requiring the head of the department or establishment concerned to produce the material withheld. The Attorney General is authorized to represent the defendant official in such proceedings. Any failure to obey an order of the court under this subsection may be treated by the court as a contempt thereof.

"(c) (1) Subject to subsection (d), the Comptroller General may require by subpoena the production of books, records, correspondence, memoranda, papers, and documents of contractors, subcontractors, or other non-Federal persons to which he has access by law or by agreement of the non-Federal person from whom access is sought. Subpoenas may be issued under the signature of the Comptroller General and shall identify the material sought and the authority on which access is based. Service of a subpoena issued under this subsection may be made by anyone authorized by the Comptroller General (A) by delivering a copy thereof to the person named therein, or (B) by mailing a copy thereof by certified or registered mail, return receipt requested, addressed to such person at his residence, or principal place of business. A verified return by the person so serving the subpoena setting forth the manner of service or in the case of service by certified or registered mail, the return post office receipt signed by the person so served, shall be proof of service.

"(2) In the case of contumacy or refusal to obey a subpoena issued under paragraph (1) of this subsection, by any person who resides,

is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Comptroller General through any attorney designated by him in writing, shall have jurisdiction to issue to such person an order requiring such person to produce the matter requested. Any failure of any such person to obey such order of the court may be treated by the court as a contempt thereof.

"(d) The Comptroller General may not bring an action under subsection (b) for an order or issue a subpoena under subsection (c) requiring the production of material—

"(1) if such material relates to activities designated by the President as being foreign intelligence or foreign counterintelligence activities;

"(2) if such material is specifically exempted from disclosure to the Comptroller General by statute provided that such statute (A) requires that the material be withheld from the Comptroller General in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding from the Comptroller General or refers to particular types of matters to be withheld from the Comptroller General; or

"(3) if the President or the Director of the Office of Management and Budget within twenty days after the filing of a report under subsection (b) (1), certifies in writing to the Comptroller General, the Speaker of the House of Representatives, and the President of the Senate, that (A) such material consists of matters which could be withheld from disclosure under section 552(b) (5) or 552(b) (7), of title 5, United States Code, and (B) the disclosure of such material to the Comptroller General could reasonably be expected to substantially impair the operations of the Federal Government. Such certification shall be nondelegable by the President or by the Director of the Office of Management and Budget and shall be accompanied by a full explanation of the rationale therefor.

"(e) Any written information, books, documents, papers, or records made available to the Comptroller General pursuant to this section shall be subject to the same level of confidentiality as is required of the agency from which obtained. The officers and employees of the General Accounting Office shall be subject to the same penalties prescribed by statute for unauthorized disclosure or use as the officers or employees of the agency from which such material was obtained. Information described in section 552(b) (8) of title 5 of the United States Code obtained by the Comptroller General shall be maintained in a manner designed to prevent unwarranted invasions of personal privacy.

"(f) Nothing in this section shall be construed as authority to withhold information from Congress."

#### AVAILABILITY OF DRAFT REPORTS

SEC. 103. Section 312 of the Budget and Accounting Act, 1921 (31 U.S.C. 53), is amended by adding at the end thereof the following new subsection:

"(f) (1) No portion of any draft report prepared by the General Accounting Office shall be submitted to any agency for comment thereon for a period in excess of thirty days unless the Comptroller General determines, upon a showing by such agency, that a longer period is necessary and is likely to result in improvement in the accuracy of such report.

"(2) Failure of an agency to return comments by the conclusion of the comment period established under paragraph (1) of this subsection shall not result in the delayed delivery of any such report.

"(3) Whenever an agency is requested to comment on a draft report, the Comptroller General shall—

"(A) in the case of any report initiated, pursuant to subsection (b) of this section or

otherwise, at the request of either House of Congress or by any committee or member thereof, make such draft report available on request to such House, committee, or member; or

"(B) In the case of any other report, make such draft report available on request to the Committee on Governmental Affairs of the Senate and to the Committee on Government Operations of the House.

"(4) The Comptroller General shall prepare and issue with the final version of any report of the General Accounting Office a statement of (A) any significant changes, from any prior drafts of such report, in the findings, conclusions, or recommendations which were based on an agency's comments on such a draft, and (B) the reasons for making such changes.

"(5) Procedures followed pursuant to this subsection shall be subject to statutory and Executive order guidelines for the handling and storage of classified information and material."

On page 13, line 3, strike "103" and insert "104";

On page 14, line 3, strike "five" and insert "three";

On page 15, line 16, strike "and";

On page 16, line 20, strike "(1).": and insert "(1); and";

On page 16, beginning with line 21, insert the following:

"(4) shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law."

So as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "General Accounting Office Act of 1979".*

# TITLE I—GENERAL ACCOUNTING OFFICE PROVISIONS

## UNVOUCHERED EXPENDITURES

SEC. 101. Section 117 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 67) is amended by adding at the end thereof the following new subsection:

"(f) (1) Notwithstanding any provision of law which permits an expenditure to be accounted for solely on the approval, authorization, or certificate of the President of the United States or an official of an executive agency, the Comptroller General shall have access to such books, documents, papers, records, and other information relating to any such expenditure as may be necessary to enable him to determine whether the expenditure was, in fact, actually made and whether such expenditure was authorized by law. The provisions of this paragraph may be superseded only by a provision of law enacted after the date of enactment of this paragraph which specifically repeals or modifies the provisions of this paragraph. In the case of an expenditure under section 102, 103, 105(d) (1), (3), or (5), or 106(b) (2) or (3), of title 3, United States Code, the provisions of sections 102, 103, 105(d), and 106(b) of such title shall govern the examination of such expenditures by the Comptroller General in lieu of the provisions of this subsection.

"(2) With respect to any expenditure accounted for solely on the approval, authorization, or certificate of the President of the United States or an official of an executive agency and notwithstanding any provision of law, no officer or employee of the General Accounting Office may release the findings of its audit of such expenditure or disclose any books, documents, papers, records, or other information concerning such expenditure to anyone not an officer or employee of the General Accounting Office, except to the President or the head of the agency concerned or,

in the case of unresolved discrepancies to the Committee on Governmental Affairs of the Senate, the Committee on Government Operations of the House of Representatives, and to the Committees of the House and the Senate having legislative or appropriations oversight with respect to the expenditure in question.

"(3) (A) Nothing in this subsection shall be construed as affecting the authority contained in section 8(b) of the Central Intelligence Agency Act of 1949.

"(B) The President may exempt from the provisions of paragraph (1) of this subsection financial transactions which relate to sensitive foreign intelligence or foreign counterintelligence activities, or sensitive law enforcement investigations if an audit proceeding pursuant to the provisions of paragraph (1) of this subsection would expose the identifying details of an active investigation or endanger the safety of investigative or domestic intelligence sources involved in such law enforcement investigations. An exemption under this subparagraph may be given for a class or category of financial transactions.

"(C) Information concerning financial transactions taken pursuant to section 8(b) of the Central Intelligence Agency Act of 1949 and information concerning financial transactions exempted from the provisions of paragraph (1) pursuant to subparagraph (B) shall be reviewable by the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

"(4) Not later than sixty days after the beginning of each fiscal year starting on or after October 1, 1980, the Director of the Office of Management and Budget shall submit to the chairman of the Committees on the Budget and the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Operations of the House of Representatives, and to the Comptroller General, a report listing every account potentially subject to audit by the Comptroller General under paragraph (1)."

## ENFORCEMENT OF ACCESS TO RECORDS

SEC. 102. Section 313 of the Budget and Accounting Act, 1921 (31 U.S.C. 54), is amended by designating the existing paragraph as subsection (a) and by adding at the end the following new subsections:

"(b) (1) When access to any books, documents, papers, or records of any department or establishment is not made available within a reasonable period of time, the Comptroller General in his discretion may make a written request to the head of the department or establishment concerned. Any such request shall set forth any authority in addition to subsection (a) for such access and the reasons such access is desired. The head of the department or establishment concerned shall have a period of twenty days from the date of receipt to respond to the written request of the Comptroller General. The response shall describe any books, documents, papers, or records withheld and the reasons therefor. If within such twenty-day period full access to such books, documents, papers, or records has not been afforded the Comptroller General or any of his designated assistants or employees, the Comptroller General may file a written report of the matter with the President of the United States, the Director of the Office of Management and Budget, the Attorney General, the head of the department or establishment concerned, and with the Speaker of the House of Representatives and the President of the Senate.

"(2) Subject to subsection (d) the Comptroller General, through any attorney designated by him in writing, may, after twenty calendar days after the filing of a written

report under paragraph (1), apply to the United States District Court for the District of Columbia for any order requiring the head of the department or establishment concerned to produce the material withheld. The Attorney General is authorized to represent the defendant official in such proceedings. Any failure to obey an order of court under this subsection may be treated by the court as a contempt thereof.

"(c) (1) Subject to subsection (d), the Comptroller General may require by subpoena the production of books, records, correspondence, memoranda, papers, and documents of contractors, subcontractors, or other non-Federal persons to which he has access by law or by agreement of the Federal person from whom access is sought. Subpoenas may be issued under the signature of the Comptroller General and shall identify the material sought and the authority under which access is based. Service of a subpoena issued under this subsection may be made by anyone authorized by the Comptroller General (A) by delivering a copy thereof to the person named therein, or (B) by making a copy thereof by certified or registered mail, return receipt requested, addressed to such person at his residence, or principal place of business. A verified return by the person serving the subpoena setting forth the manner of service or in the case of service by certified or registered mail, the return post office receipt signed by the person so served, shall be proof of service.

"(2) In the case of contumacy or refusal to obey a subpoena issued under paragraph (1) of this subsection, by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Comptroller General through any attorney designated by him in writing, shall have jurisdiction to issue to such person an order requiring such person to produce the matter requested. Any failure of any such person to obey such order of the court may be treated by the court as a contempt thereof.

"(d) The Comptroller General may not bring an action under subsection (b) for an order or issue a subpoena under subsection (c) requiring the production of material:

"(1) if such material relates to activities designated by the President as being foreign intelligence or foreign counterintelligence activities;

"(2) if such material is specifically exempted from disclosure to the Comptroller General by statute provided that such statute (A) requires that the material be withheld from the Comptroller General in such manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding from the Comptroller General and refers to particular types of matters to be withheld from the Comptroller General."

"(3) If the President or the Director of the Office of Management and Budget within twenty days after the filing of a report under subsection (b) (1), certifies in writing to the Comptroller General, the Speaker of the House of Representatives, and the President of the Senate, that (A) such material consists of matters which could be withheld from disclosure under section 552(b) (5) or 552(b) (7), of title 5 United States Code and (B) the disclosure of such material to the Comptroller General could reasonably be expected to substantially impair the operations of the Federal Government. Such certification shall be nondelegable by the President or by the Director of the Office of Management and Budget and shall be accompanied by a full explanation of the rationale therefor.

"(e) Any written information, books, documents, papers, or records made available to the Comptroller General pursuant to this section shall be subject to the same level of confidentiality as is required of the agency

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from which obtained. The officers and employees of the General Accounting Office shall be subject to the same penalties prescribed by statute for unauthorized disclosure or use as the officers or employees of the agency from which such material was obtained. Information described in section 552(b)(6) of title 5 of the United States Code obtained by the Comptroller General shall be maintained in a manner designed to prevent unwarranted invasions of personal privacy.

"(f) Nothing in this section shall be construed as authority to withhold information from Congress."

## AVAILABILITY OF DRAFT REPORTS

Sec. 103. Section 312 of the Budget and Accounting Act, 1921, (31 U.S.C. 53) is amended by adding at the end thereof the following new subsection:

"(f) (1) No portion of any draft report prepared by the General Accounting Office shall be submitted to any agency for comment thereon for a period in excess of thirty days unless the Comptroller General determines, upon a showing by such agency, that a longer period is necessary and is likely to result in improvement in the accuracy of such report.

"(2) Failure of an agency to return comments by the conclusion of the comment period established under paragraph (1) of this subsection shall not result in the delayed delivery of any such report.

"(3) Whenever an agency is requested to comment on a draft report, the Comptroller General shall—

"(A) in the case of any report initiated, pursuant to subsection (b) of this section or otherwise, at the request of either House of Congress or by any committee or member thereof, make such draft report available on request to such House, committee, or member; or

"(B) in the case of any other report, make such draft report available on request to the Committee on Governmental Affairs of the Senate and to the Committee on Government Operations of the House.

"(4) The Comptroller General shall prepare and issue with the final version of any report of the General Accounting Office a statement of (A) any significant changes, from any prior drafts of such report, in the findings, conclusions, or recommendations which were based on an agency's comments on such a draft, and (B) the reasons for making such changes.

"(5) Procedures followed pursuant to this subsection shall be subject to statutory and Executive order guidelines for the handling and storage of classified information and material."

## APPOINTMENT OF THE COMPTROLLER GENERAL AND THE DEPUTY COMPTROLLER GENERAL

Sec. 104. (a) Section 302 of the Budget and Accounting Act, 1921 (31 U.S.C. 42) is amended by inserting "(a)" before "There" and by adding at the end thereof the following new subsection:

"(b) (1) Whenever, after the date of enactment of this subsection, a vacancy occurs in the Office of Comptroller General or in the Office of Deputy Comptroller General, there is established a commission to recommend individuals to the President for appointment to the vacant office. Any such commission shall consist of—

"(A) the Speaker of the House of Representatives,

"(B) the President pro tempore of the Senate,

"(C) the majority and minority leaders of the House of Representatives and the Senate,

"(D) the chairman and ranking minority member of the Committee on Government Operations of the House of Representatives and of the Committee on Governmental Affairs of the Senate, and

"(E) in the case of a vacancy in the Office of Deputy Comptroller General, the Comptroller General of the United States.

"(2) Any commission established under paragraph (1) shall submit to the President for consideration the names of not less than three persons for the Office of Comptroller General. The President, within his discretion, may request that additional names be submitted."

(b) (1) The first paragraph of section 303 of such Act (31 U.S.C. 43) is amended by striking out the first sentence and inserting in lieu thereof the following: "Except as otherwise provided in this section, the Comptroller General shall hold office for fifteen years and the Deputy Comptroller General shall hold office from the date of his appointment until the date on which an individual is appointed to fill a vacancy in the Office of Comptroller General. The Deputy Comptroller General may continue to serve until his successor is appointed."

(2) The amendment made by paragraph (1) shall not apply to the person occupying the position of Deputy Comptroller General on the date of enactment of this Act, but shall apply with respect to any vacancy in such position occurring on or after such date, and shall apply to any person appointed to fill such a vacancy.

## TITLE II—CONFORMING AMENDMENTS WITH RESPECT TO THE INSPECTORS GENERAL OF THE DEPARTMENTS OF ENERGY AND HEALTH, EDUCATION, AND WELFARE

## AMENDMENT TO THE ACT OF OCTOBER 15, 1976

Sec. 201. Section 203(b) of the Act of October 15, 1976 (90 Stat. 2430; 42 U.S.C. 3524), is amended to read as follows:

"(b) In carrying out the responsibilities specified in subsection (a) (1), the Inspector General shall—

"(1) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

"(2) establish guidelines for determining the appropriate use of non-Federal auditors;

"(3) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in paragraph (1); and

"(4) shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law."

## AMENDMENT TO THE DEPARTMENT OF ENERGY ORGANIZATION ACT

Sec. 202. Section 208 of the Department of Energy Organization Act (42 U.S.C. 7138) is amended by adding at the end thereof the following new subsections:

"(b) In carrying out the responsibilities specified in subsection (b) (1), the Inspector General shall—

"(1) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

"(2) establish guidelines for determining the appropriate use of non-Federal auditors; and

"(3) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in paragraph (1).

"(4) In carrying out his duties and responsibilities under this section, the Inspector General shall give particular regard to the activities of the Comptroller General with a view toward avoiding duplication and insuring effective coordination and cooperation.

"(j) In carrying out his duties and responsibilities under this section, the Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law."

The PRESIDING OFFICER. Is there objection to the consideration of the committee amendments en bloc?

Without objection, it is so ordered.

The question is on agreeing to the committee amendments en bloc. The committee amendments were agreed to en bloc.

The PRESIDING OFFICER. The bill is open to further amendment.

## UP AMENDMENT NO. 1003

Mr. GLENN. Mr. President, I send to the desk a technical amendment to S. 1878 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. GLENN) proposes an unprinted amendment numbered 1002:

On page 2, line 4, strike the word "1979" and insert in lieu thereof, "1980".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. GLENN. Mr. President, it is with a sense of accomplishment that I rise to urge my colleagues to pass the General Accounting Office Act of 1980. Future historians may well look upon this piece of legislation as one of the most significant to emerge from the 96th Congress. The legislation is intended to strengthen the General Accounting Office's ability to discharge its functions as an investigative and auditing arm of the Congress.

The bill does this by first providing GAO with authority to audit most unvouchered expenditures, which are those expenditures authorized by law to be accounted for solely on the signature of the President or other designated officials. Second, the bill strengthens GAO's existing authority to enforce its statutory right of access to records of Federal agencies as well as non-Federal entities such as Government contractors and grantees. Third, it makes changes in GAO's report issuance procedure in order to improve the timeliness and accuracy of such reports, and fourth, S. 1878 provides a formal mechanism for congressional input in the appointment of future Comptrollers General and their deputies.

By providing the Comptroller General with enforcement powers to accompany right of access to records, the bill allows the Congress to take a giant step forward in terms of making Government more accountable to the people through effective oversight activity. I think we would all agree, Mr. President, that effective oversight is a hallmark of good government.

While strengthening the GAO's enforcement authority, the bill provides for appropriate exemptions to such enforcement authority. Certain law enforcement areas as well as foreign in-

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telligence or counterintelligence activities have been provided with protection against unnecessary disclosures. In addition, by means of an appropriate certification as spelled out in section 102(d)(3) of the legislation, the President or the Director of the Office of Management and Budget can preclude a suit by the Comptroller General against the President and his principal advisers and assistants and against those units within the Executive Office of the President whose sole function is to advise and assist the President, for information which would not be available under the Freedom of Information Act. This exemption, however, is not meant to apply to units within the Executive Office of the President such as OMB, whose functions go beyond advising and assisting the President.

Mr. President, this bill is a milestone in executive/legislative branch relations and resulted from a prodigious amount of staff work that included protracted negotiations with the administration and the GAO, both of whom support its passage. It deserves the wholehearted support of everyone who believes that effective congressional oversight is one of the most important legislative functions performed by Congress.

● Mr. PERCY. Mr. President, the proposals contained in this omnibus GAO bill have been pending before Congress for several years. As a result, the initial objections raised by the executive branch have been adequately addressed while the substance of the bill remains intact. I commend Senator GLENN for his enduring efforts to devise a balanced solution to the problems faced by GAO in responding to Congress' needs. Many hours have gone into delicate negotiations between the Governmental Affairs Committee, OMB, various Federal departments and agencies including DOD and Justice, and GAO to insure that constitutional principles and sensitive investigative records are protected.

With American taxpayers demanding Government to cut waste, GAO access to unvouchered accounts is absolutely essential to insure that funds made available on a confidential basis are in fact used for authorized purposes. But because of the sensitive nature of these accounts, S. 1878 restricts GAO's audit findings to the President and the head executive branch agency concerned and, in the case of unresolved discrepancies, to the appropriate congressional committees. Further, the President may exempt from GAO review unvouchered expenditures for sensitive law enforcement investigations as well as foreign intelligence and foreign counterintelligence activities when these investigations may be undermined or the safety of undercover agents and informants may be endangered. I would like to emphasize that GAO is highly regarded throughout the Government for its handling of highly confidential Federal records and documents.

The second troublesome issue the bill addresses is the occasional problem of Federal agencies failing to cooperate with the Comptroller General in supply-

ing documents necessary for audits. Although the 1921 Budget and Accounting Act gives GAO the right of access to all records unless specifically exempted by law, the Comptroller General currently lacks a mechanism to enforce this right. Providing GAO with court enforceable subpoena power will lessen the chance of unnecessary delay in obtaining records which in turn will improve GAO's responsiveness to Congress.

However, the use of subpoenas and lawsuits against executive branch agencies should be the exception rather than the norm. S. 1878 accordingly sets up a series of procedural steps which GAO must take before instituting judicial enforcement actions to compel the production of documents. In this manner, the current informal consultation and cooperation between GAO and executive branch agencies will be encouraged to continue.

Finally, the bill contains provisions to establish a commission to present to the President a list of three possible nominees for Comptroller General and Deputy Comptroller General, to make draft GAO reports available to Congress and to require the inspectors general of the Departments of Energy and HEW to conform with GAO audit standards.

Mr. President, I strongly support S. 1878 and urge that the bill be enacted. ●

Mr. GLENN. Mr. President, I ask unanimous consent that S. 1878 receive its third reading, that the Governmental Affairs Committee be discharged from further consideration of H.R. 24, that the Senate proceed to immediate consideration of H.R. 24, that everything following the enacting clause be stricken, that the text of S. 1878 be inserted in lieu thereof, that the bill as thus amended have its third reading and be passed, that motion to reconsider passage of the House bill be laid on the table, and that S. 1878 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Morning business is closed.

## PERMISSION FOR COMMITTEES TO FILE REPORTS TOMORROW AND MONDAY, MARCH 3, 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that committees may have permission to file reports, that conference reports may be filed, that bills may be filed, and that Senators may introduce bills and resolutions for referral between the hours of 9 a.m. and 3 p.m. on tomorrow, Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I make the same request with respect to filing of reports of committees and conference reports on Monday, March 3, 1980.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATORS STEVENS AND HARRY F. BYRD, JR., ON TUESDAY, MARCH 4

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Tuesday next, after the two leaders or their designees have been recognized under the standing order, Mr. STEVENS and Mr. HARRY F. BYRD, JR., be recognized, each for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## POSTPONEMENT OF CERTAIN MEASURES ON THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Calendar Orders Nos. 44, 323, and 618 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders No. 606 and 615.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SPECIAL AZORES EARTHQUAKE RELIEF

The bill (S. 2194) to amend the Foreign Assistance Act of 1961 to authorize special Azores earthquake relief and reconstruction assistance, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 9 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:*

"SEC. 4951. SPECIAL AZORES EARTHQUAKE RELIEF AND RECONSTRUCTION ASSISTANCE.—(a) The President is authorized to furnish assistance on such terms and conditions as he may determine, for disaster relief and reconstruction in the Azores to assist in alleviating the human suffering caused by a recent earthquake. In addition to amounts otherwise available for such purposes, there is authorized to be appropriated for purposes of this section \$10,000,000 for the fiscal year 1980, which amount is authorized to remain available until expended. Assistance under this section shall be provided in accordance with the policies and general authorities contained in section 491.

"(b) Obligations incurred, prior to the enactment of appropriations to carry out this section, against other appropriations or accounts for the purpose of alleviating the human suffering caused by the earthquake in the Azores may be charged to the appropriations authorized by this section."

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.